

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CR2014-159659-001 DT

06/04/2015

HONORABLE JOSE S. PADILLA

CLERK OF THE COURT

J. Bower

Deputy

STATE OF ARIZONA

TAMARA BARNETT

v.

MICHAEL JUDE MONTANARELLA (001)

DOB: 11/21/1988

AMY E BAIN

APO-SENTENCINGS-CCC

APPEALS-CCC

AZ DOC

DISPOSITION CLERK-CSC

RFR

SENTENCE - IMPRISONMENT AND PROBATION

9:22 a.m.

State's Attorney: the above-named counsel

Defendant's Attorney: the above-named counsel

Defendant: Present

Court Reporter: Hilda Lopez

Family members address the Court on behalf of the Defendant.

Count 2: WAIVER OF TRIAL: The Defendant knowingly, intelligently and voluntarily waived all pertinent constitutional and appellate rights and entered a plea of guilty.

Count 7: WAIVER OF TRIAL: The Defendant knowingly, intelligently and voluntarily waived all pertinent constitutional and appellate rights and entered a plea of guilty.

IT IS THE JUDGMENT of the Court Defendant is guilty of the following:

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OFFENSE: Count 2: Unlawful Imprisonment  
Class 6 Felony and **Domestic Violence Offense**  
A.R.S. § 13-1301, 1303, 3601, 701, 702, and 801  
Date of Offense: 12/18/2014  
Non Dangerous - Non Repetitive

OFFENSE: Count 7: Possession or Use of Dangerous Drugs (Alprazolam)  
Class 4 Felony  
A.R.S. § 13-3401, 3407, 3418, **901.01(B)**, 701, 702, and 801  
Date of Offense: 12/18/2014  
Non Dangerous - Non Repetitive

AS PUNISHMENT, IT IS ORDERED Defendant is sentenced to a term of imprisonment and is committed to the Arizona Department of Corrections as follows:

Count 2: 2 year(s) from 06/04/2015  
Presentence Incarceration Credit: 168 day(s)  
**Aggravated**  
Sentence is concurrent with CR2012-115822-001.

**THE COURT FINDS the multiple victims and committed while on probation as aggravating factors.**

**LET THE RECORD REFLECT the Court recommends the Defendant serve his term of incarceration at a facility with mental health treatment and/or substance abuse treatment.**

Community Supervision: Count 2 - Waived pursuant to A.R.S. § 13-603(K), due to the term of probation in Count 7.

In the event the Defendant is released by the Department of Corrections on a temporary release basis, and a term of Community Supervision has been waived, the length of probation shall be extended to include the time of Defendant's temporary release, pursuant to A.R.S. §13-901(B).

The Court is suspending imposition or execution of sentence and, under the supervision of the Adult Probation Department (APD), placing the Defendant on probation for:

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Upon physical release from prison pursuant to A.R.S. §13-603(K). Count 7: For a period of 3 Years.

Conditions of probation include the following:

Condition 6: Report to the APD within 72 hours of sentencing, absolute discharge from prison, release from incarceration, or residential treatment and continue to report as directed. Keep APD advised of progress toward case plan goals and comply with any written directive of the APD to enforce compliance with the conditions of probation. Provide DNA testing if required by law.

Condition 8 - Request and obtain written permission of the APD prior to leaving the state.

Condition 15: Restitution, Fines and Fees:

PROBATION SERVICE FEE: Count 7 - \$65.00 per month.

FINE: Count 7 - Total amount of \$1,830.00, which includes surcharges of 83%.

Fine is to be paid to the Arizona Drug Enforcement Fund.

PENALTY ASSESSMENT - A.R.S. § 12-116.04: Count 7 - \$13.00.

Investigative Agency: Phoenix Police Department

Count 7: \$50.00 to the Family Offense Assessment, payable \$5.00 per month, beginning upon a date to be determined.

Count 7: \$50.00 to the Address Confidentiality Program, payable \$5.00 per month, beginning upon a date to be determined.

**Monthly payments may be made on a sliding scale based on the Defendant's financial situation.**

Payment to commence on a date to be determined and is due on the same day of each month thereafter until paid in full.

The Arizona Department of Corrections shall notify the Clerk of the Court of Maricopa County of Defendant's release from custody via e-mail [cforeponse@mail.maricopa.gov](mailto:cforeponse@mail.maricopa.gov). The

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Clerk of the Court, upon said notification, shall furnish financial information for a Criminal Restitution Order for Judicial signature for any unpaid monies to date.

Condition 16 - Not consume or possess any substances containing alcohol.

Condition 17 - Count 7: Complete a total of 360 hours of community restitution. Complete a set number of hours per month as directed in writing by APD. Complete hours at a site approved by the APD.

Condition 19: Not have any contact with the victim(s) in any form, unless approved in writing by the APD.

Condition 21 - Abide by the special conditions of probation as noted on the attachment to the Uniform Conditions of Supervised Probation as follows:

Domestic Violence

Mental Health

Condition 22: Other - Not return to scene. Complete anger control counseling.

IT IS FURTHER ORDERED that Defendant shall submit to fingerprint identification processing by the Maricopa County Sheriff's Office if directed to do so by the Adult Probation Department. The Adult Probation Department shall direct any Defendant placed on probation who has not already had a State Identification Number (SID) established to submit to fingerprint processing.

Defendant is advised pursuant to A.R.S. § 13-805 that failure to maintain contact with the Probation Department may result in the issuance of:

1. A criminal restitution order in favor of the state for the unpaid balance, if any, of any fines, costs, incarceration costs, fees, surcharges or assessments imposed.
2. A criminal restitution order in favor of each person entitled to restitution for the unpaid balance of any restitution ordered.

IT IS ORDERED granting the Motion to Dismiss the following: Counts 1, 3, 4, 5, and 6; the allegation of prior felony convictions; the allegation of on probation.

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Count 2: IT IS ORDERED authorizing the Maricopa County Sheriff to deliver Defendant to the Arizona Department of Corrections.

IT IS ORDERED the Clerk of the Superior Court remit to the Arizona Department of Corrections a copy of this Order or the Order of Confinement together with all presentence reports, probation violation reports, and medical and psychological reports that are not sealed in this cause relating to the Defendant.

Count 7: IT IS FURTHER ORDERED Defendant be released from custody for this count only.

IT IS FURTHER ORDERED that Defendant must submit to DNA testing for law enforcement identification purposes in accordance with A.R.S. §13-610.

9:42 a.m. Matter concludes.

This case is eFiling eligible: <http://www.clerkofcourt.maricopa.gov/efiling/default.asp>. Attorneys are encouraged to review Supreme Court Administrative Order 2011-140 to determine their mandatory participation in eFiling through AZTurboCourt.

ISSUED: Order of Confinement - Certified Copy to DOC via MCSO

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Defendant's right index fingerprint is permanently affixed to this sentencing order in open court.

/s/ HONORABLE JOSE S. PADILLA  
JUDGE OF THE SUPERIOR COURT

(right index fingerprint)